

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF KEVIN
BIXBY, EXECUTIVE DIRECTOR,
SOUTHWEST ENVIRONMENTAL
CENTER**

My name is Kevin Bixby and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Executive Director and founder of the Southwest Environmental Center in Las Cruces, New Mexico, an organization that forms part of the Southern Border Communities Coalition ("SBCC"). In addition, for over one year I have served on SBCC's Steering Committee, directing and coordinating SBCC's decisions at the organizational level.
3. I founded the Southwest Environmental Center in 1991 to reverse the accelerating loss of plants and animals worldwide through protection and restoration of native wildlife and their habitats in the southwest. The Southwest Environmental Center has approximately 2000 dues-paying members, the majority of whom live in Southern New Mexico. It works statewide in New

Mexico and our campaigns extend into Eastern Arizona and West Texas. For example, for decades we have been actively involved in restoring riparian and aquatic habitats along the Rio Grande in southern New Mexico and west Texas, to create a “string of pearls” of restored and protected habitats up and down this reach.

4. In addition to restoration, our work involves grassroots organizing, public education, and petitioning the government about preservation and restoration. In one such campaign, we are working to restore highly-endangered Mexican wolves to the Southwest in Arizona and New Mexico, including by advocating for the establishment of a Mexican Wolf Center in Grant County, New Mexico. In another, we are fighting to end wildlife killing contests, and are on the cusp of New Mexico outlawing coyote killing contests.

5. The national emergency declaration, and the construction of a border wall using funds that have not been appropriated by Congress, are causing and will continue to cause irreversible damage to Southwest Environmental Center. They also threaten lands that I cherish and have devoted my life to protecting.

6. With the Southwest Environmental Center and in my personal capacity, I have on several occasions traveled the areas threatened with construction, including lands encompassed in so-called “El Paso Project 1” where the Department of Defense will finance Department of Homeland Security construction. Southwest Environmental Center members enjoy these areas for camping, hiking, hunting deer, javelina and quail, and bird watching. I enjoy hiking and camping in these areas, and intend to do so as long as I am able. They are beautiful to me—rolling Chihuahuan desert scrubland, adjacent to several mountain ranges, with arroyos and diverse vegetation creating an undulating landscape. There are several isolated desert hills and peaks that provide unique habitat for different species of plants and animals—they are called sky islands, like islands in a sea of desert. Border wall construction in these areas will harm these lands at a time when communities here are being revitalized around eco-tourism and the attraction of expansive vistas and wildlife viewing.

7. Southwestern New Mexico is one of the most biologically diverse areas of the United States due to the confluence of different biomes and northern and southern wildlife species. The Pentagon's recently-announced plan to seize \$1 billion from military personnel funding and use it to build 57 miles of new border wall, including 46 miles in New Mexico, would culminate in nearly half of New Mexico's international border being walled off. Construction in "El Paso Project 1" will completely wall off Doña Ana County, where we reside, and much of neighboring Luna County. Additional construction in New Mexico, including the threat to wall off the bootheel, would further destroy the environments that Southwest Environmental Center is devoted to protecting and restoring.

8. With Southwest Environmental Center, we frequently visited Southern New Mexico over the last year, seeking in part to learn about the wildlife that lives in the area and to educate the public about it. About one year ago, Southwest Environmental Center installed wildlife cameras in adjacent habitats immediately east of planned construction, for approximately 20 miles west of Santa Teresa, New Mexico (approximately to the point where "El Paso Project 1" begins). Our goal has been to learn and share information about the wildlife that lives in these habitats, often hidden from human view. Our cameras documented the presence of mountain lions, mule deer, coyotes, bobcats, gray foxes, badgers, birds, bats, rabbits, and other species, many of which are too large to pass through bollard-wall construction with its four-inch gaps between bollards.

9. The animals that will be impacted by construction in "El Paso Project 1" include threatened or endangered species. The wall will prevent some endangered species, such as jaguars and ocelots, from reoccupying historic habitat in the U.S. It will prevent genetic exchange between small populations of extremely endangered Mexican wolves on either side of the border. The impact on all species too large to pass will be dire. Some will likely die because they will not be able to reach the food and water resources they need to survive. Wildlife populations on either side of the border will be permanently fragmented and disconnected, and therefore more vulnerable to

catastrophic events like disease as well as the loss of healthy genetic variability. A border wall will also prevent animals from adjusting their range in response to climate change.

10. Because of the emergency declaration and the realized threat of constructing outside of the Rio Grande Valley Border Patrol Sector, the Southwest Environmental Center has been forced to carefully monitor risks to Southwestern lands, including in Texas, New Mexico, and Arizona. We have devoted significant time to identifying the location and timing of construction that will occur without congressional process or approval. For example, upon learning in March that the Secretary of Defense would provide \$1 billion to the Department of Homeland Security to build a wall, I spent two days working with coalitions to discern the location of construction. Upon receiving coordinates, I spent additional hours mapping out where the wall would go—sadly, in our backyard. We have been forced to spend this time in order to protect the land, to organize within SBCC, and to educate Southwest Environmental Center’s members and the public.

11. The Southwest Environmental Center has also been caused to devote resources to answering calls from members, the public, and government officials requesting information about what is happening and what can be done. We are mapping out not only the area identified as “El Paso 1,” but the other areas in the Southwest identified for priority construction in correspondence from the Department of Homeland Security to the Department of Defense. Our Communications Director, Amanda Munro, has begun and will continue creating media kits about the impacts of construction in all 11 of the identified projects. This work takes her away from her other responsibilities, such as our ongoing organizing to protect special places like Otero Mesa, and coordinating efforts to reform wildlife policies in New Mexico and other states.

12. We should honor and protect the lands of the Southwest. The habitats and wildlife that flourish in these lands will be injured, and perhaps forever lost, if a border wall is built. As director of Southwest Environmental Center, and speaking for myself, the consequences of such construction for my work, and the quality of my life as a visitor to these lands, are devastating.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4th day of April, 2019.

A handwritten signature in blue ink, appearing to read "Kevin Bixby". The signature is fluid and cursive, with the first name "Kevin" and last name "Bixby" clearly distinguishable.

Kevin Bixby